

REMARKS

This response is a full and complete response to the Office Action mailed August 14, 2007. In the present Office Action, the Examiner has noted that claims 1-24 are pending, that claims 3, 5-10, 12-13, 15-18, and 20-23 are withdrawn, that claims 1-21 and 24 are rejected under 35 U.S.C. § 112, that claims 1, 2, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Scherbring (US Patent No. 1,146,285), that claims 4, 14, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Scherbring in view of Official Notice, and that claims 1, 4, 11, 14, 19, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over De La Cruz (2002/0124417) in view of Genda (US Patent No. 1,971,814) or Stoltz (US Patent No. 2,352,291).

Applicant has amended claims 1, 2, 4, and 24, added new claims 25-32, and cancelled claims 3, 5-10, 12-13, 15-18, and 20-23 without prejudice. Support for the claim amendments may be found in the Specification at least in FIGS. 2, 3, and 5, and their accompanying text, for example. No new matter has been added.

In view of both the amendments presented above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. By this response, reconsideration of the present application is respectfully requested.

Informalities

In the Office Action mailed August 14, 2007, the Examiner noted that the status identifier of claims 3, 7, 9-10, and 24 should have been "New", not "Currently amended". Applicant agrees, and understands that claims 3, 7, 9-10, and 24 have been entered and are currently pending as of or before August 14, 2007.

In the Office Action mailed August 14, 2007, the Examiner noted that the Abstract was not written on a separate sheet. Applicant has amended the Specification to include a replacement Abstract that is on a separate sheet.

Drawings

The Examiner objected to the drawings because “35” in FIG. 2 is not described in the Specification. The applicant has amended the Specification to include “35”, thus correcting a clerical error. Applicant accordingly requests withdrawal of the objection.

The Examiner objected to the drawings as not showing every feature of the invention specified in the claims. The applicant has amended the Specification and the Drawings to include figures (New FIGS. 2A, 2B, and 2C) that show embodiments of a “U”-shaped blade, a linear blade, and a serrated blade, which are referred to in the Specification as amended. Support for this amendment may be found for example on page 9 of the Specification. No new matter has been added. Applicant accordingly requests withdrawal of the objection.

Claim Rejections Under 35 U.S.C § 112

The Examiner rejects claims 1-21 and 24 as being indefinite. Applicant has amended claims 1 and 24, thus eliminating the term “human extremities” from the claims. Accordingly, the applicant requests the Examiner to withdraw the rejection.

Claim Rejections Under 35 U.S.C § 102(b)

In the Office Action, the Examiner rejected claims 1, 2, and 11 under 35 U.S.C. § 102(b) as being anticipated by Scherbring (US Patent No. 1,146,285). This rejection is respectfully traversed.

To anticipate a claim under §102, the applied document must teach each and every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” [MPEP §2131.01] Scherbring does not teach each and every element of the rejected claims.

The Examiner rejects claim 1 by asserting that Scherbring discloses a cutting tool as recited by claim 1, including a sliding guide 9, a blade support 12, a blade member 13, and so on. But Scherbring fails to show or teach a safety cutting tool, as set forth in claim 1. For example, Scherbring teaches a blade member 13 protruding and exposed, and thus one skilled in the art

would not consider Scherbring's tool as a safety cutter, as set forth in claim 1. In addition, Scherbring teaches a blade member 13 that is wedge-shaped and lacking two or more opposing sharpened cutting edges facing one another. Accordingly, Scherbring does not show a safety cutting tool, comprising, among other elements, a blade member including two or more opposing sharpened cutting edges facing one another, as set forth in claim 1.

As discussed above, Scherbring does not teach or suggest each and every limitation of claim 1. Thus, assignee requests withdrawal of the rejection of this claim, as well as dependent claims 2 and 11, under 35 USC 102(e).

Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 4, 14, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Scherbring in view of Official Notice. This rejection is respectfully traversed.

The Examiner is reminded that to successfully make a prima facie rejection under 35 USC § 103, the Examiner must show that Assignee's claimed subject matter would have been obvious to one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See *KSR International, Co. v. Teleflex, Inc.*, 550 U.S. ____ (decided April 30, 2007). Some of the factors to consider in this analysis include the differences between the applied documents and Assignee's claimed subject matter, along with the level of skill associated with one of ordinary skill in the art pertinent to Assignee's claimed subject matter at the time it was made. See USPTO Memo entitled "Supreme Court decision on *KSR Int'l. Co., v. Teleflex, Inc.*," (May 3, 2007). One way in which an Examiner may establish a prima facie case of unpatentability under 35 USC § 103 would be to show that three basic criteria have been met. First, the Examiner should show that the applied documents, alone or in combination, disclose or suggest every element of Assignee's claimed subject matter. Second, the Examiner should show that there is a reasonable expectation of success from the proposed combination. Finally, the Examiner should show that there was some suggestion or motivation, either in the applied documents themselves or in the knowledge generally available to one of ordinary skill in the art pertinent to the claimed subject matter at the relevant time, to modify the document(s) or to combine document teachings. The motivation or suggestion to make the proposed combination and the reasonable expectation of success should be found in the prior art, and should not be

based on Assignee's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); See MPEP § 2142; 2143 - § 2143.03 (regarding decisions pertinent to each of these criteria). It is respectfully asserted that the Examiner has not met these standards.

The Examiner rejects claim 4 under 35 U.S.C. § 103(a) by asserting that Scherbring teaches the invention substantially, except that Scherbring does not teach a serrated cutting edge. The Examiner then invokes Official Notice to assert that the use of a serrated cutting edge instead of a smooth cutting edge is obvious. The applicant respectfully traverse the Official Notice. Claim 4 is directed to a safety cutting tool embodiment that is designed to easily intercept and subsequently cut an object in a single pass of the blade across the object. The applicant researched many varieties of cutting blades and configurations in order to come up with a blade design that will cut highly efficiently in a single pass. Accordingly, the effects of changing the cutting edge between smooth and serrated is not obvious within the embodiments to which claim 4 is directed. Thus, the applicant respectfully requests withdrawal of the rejection of claim 4 under 35 U.S.C. 103(a).

Claims 14 and 19 depend from claim 1. As discussed above, claim 1 is distinguishable over Scherbring, and, for at least the reason of dependency, so are its dependent claims 14 and 19. Accordingly, the applicant respectfully requests withdrawal of the rejection of claims 14 and 19 under 35 U.S.C. 103(a).

The Examiner rejected claims 1, 4, 11, 14, 19, and 24 under 35 U.S.C. § 103(a) as being unpatentable over De La Cruz, hereinafter "Cruz", in view of Genda or Stoltz.

Applicant respectfully submits that Cruz, Genda, and Stoltz are directed to inventions and teachings that are different from the claimed invention, and that neither of these references, individually or in combination, render obvious claims 1, 4, 11, 14, 19, and 24. Details are now explained.

To begin, applicant's claimed invention is directed generally to a safety cutter that allows a user to quickly and easily intercept and sever a string line or rope by swinging his forearm across the string line or rope and then pulling his forearm towards his body to engage a novel cutting edge. Such a safety cutter may be used in emergency applications where the string line or rope must be easily intercepted and "collected" into a cutter to be severed in a single pass of the cutter. Accordingly, high efficiency cutting is important. Also important is a sliding guide that the user wears on his forearm, which allows the string line or rope to be quickly and easily

intercepted with a minimal amount of effort on the part of the user, except for a swinging action of his forearm. Hands-free action of the safety cutter is not necessarily an important aspect of the claimed embodiment, as the claimed invention is still very useful even when a hand is required to be incorporated, as in applicant's FIG. 8B.

Important elements of applicant's safety cutter include a sliding guide that is exposed in a way to easily intercept a string line or rope, a novel cutting edge that may include more than one blade in a particular configuration to another blade, and a blade holder that presents a safety feature to prevent a user's fingers, for example, to contact the cutting edge. Each of these important elements is missing from Cruz, Genda, and Stoltz, and one skilled in the art would not combine these diverse references to produce or find obvious applicant's claimed invention.

For example, the Examiner rejects claim 1 by asserting that Cruz teaches a sliding guide configured to be held by the finger of the user. Such a configuration teaches away from claim 1 which sets forth that a sliding guide is configured for placement on a user's forearm. As explained above, this is an important aspect of the functionality of the claimed invention of claim 1, and applying Cruz to such a different limitation is not correct, applicant respectfully submits. In addition, the Examiner asserts that Cruz teaches a sliding guide 24. But applicant submits that Cruz's sliding guide 24 does not teach a sliding guide that is removeably attachable to user's forearm, as set forth in claim 1 (let alone a sliding guide that functions to easily intercept a string line or rope. Even though claim 1 does not explicitly claim an intercepting function element, such differences are important to note regarding obviousness). The Examiner acknowledges Cruz's failure to teach that the sliding guide is configured to be placed on the user's forearm, and then introduces Genda and Stoltz to assert that it is well known in the art to place a cutting tool on a forearm of a user. Applicant respectfully disagrees.

Genda's FIG. 2 apparently shows a cutting device attached to the wrist, not forearm, of the user, whereas most of Genda's disclosure is directed to the cutting device attached to a user's fingers. Furthermore, Genda is not directed to a safety cutting tool, since a cutting edge 11 is exposed to a variety of directions. Applicant submits that one skilled in the art would not combine Genda with Cruz to find as obvious placing a safety cutting tool on a user's forearm in order to use the safety cutting tool to sever a string line or rope by intercepting a string line or rope by a forearm swinging action, and sliding the string line or rope on a sliding guide into a highly efficient cutter.

Stoltz shows an exposed cutting edge 15 that is disposed along substantially the entire length of a mount that fits onto the forearm of a user. Applicant submits that one skilled in the art would not combine either Cruz or Genda with Stoltz for at least the reason that Stoltz teaches away from a safety cutter because Stoltz is directed to an arm weapon (Stoltz, line1). Also, one skilled in the art would not be motivated to combine Cruz's letter opener with Stoltz's weapon to find as obvious attaching a letter opener to a forearm. Also, Stoltz's device would not cut string line or rope well, as it is designed for creating flesh wounds. Paragraph [0035] of applicant's specification describes technical details of why string line tension and direction may be important factors for efficiently severing the string line. Stoltz's device does not produce such tension or direction. In addition, one skilled in the art would not combine Stoltz with Cruz to find as obvious placing a safety cutting tool on a user's forearm in order to use the safety cutting tool to intercept a string line or rope by a forearm swinging action, and then slide the string line into a safety cutter to be severed.

While differing in scope from claim 1 at least in part, claim 24 recites similar limitations to claim 1. Assignee respectfully submits that this claim, and claims 4, 11, 14, and 19 depending therefrom, similarly distinguish over Cruz, Stoltz, Genda, and their combination. Accordingly, assignee respectfully requests withdrawal of the rejection of claims 1, 24, and their dependent claims 4, 11, 14, and 19 under 35 U.S.C. § 103(a).

It is noted that claimed subject matter may be patentably distinguished from the applied documents for additional reasons; however, the foregoing is believed to be sufficient to overcome the Examiner's rejections discussed above.

Further, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions since the Examiner's other positions are believed to be moot in light of the foregoing..

CONCLUSION

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

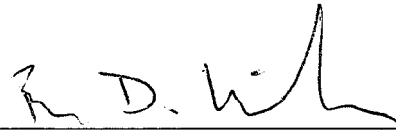
If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Brian D. Wichner at (503) 439-6500 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3130.

Respectfully submitted,

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By



Brian D. Wichner, Patent Agent
Registration No. 52,359

Customer No. 43831
Berkeley Law and Technology Group, LLP
17933 NW Evergreen Parkway, Suite 250
Beaverton, OR 97006
Phone: 503.439.6500

cc: Docketing